

**BOARD OF APPEALS  
MINUTES OF THE HEARING  
Monday, July 8, 2013**

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AUG 13 2013

**Hearing # 09-03 & # 09-04  
AvalonBay – Release of Bond**

TOWN CLERK, ACTON

The meeting was opened on Monday, July 8, 2013 at 7:30 pm in Room 126 of the Town Hall.

Present at the meeting was Mr. Kenneth Kozik, Chairman; Mr. Jonathan Wagner, Member; Mr. Richard Fallon, Member. Mr. Scott Mutch, Acton Town Assistant Planner and Zoning Enforcement Officer; Mrs. Kim Gorman, Acton Planning Department Secretary, standing in for Mrs. Cheryl Frazier, Board of Appeals Secretary while she is on vacation.

Development Managers of AvalonBay Communities, Inc., Mr. Scott Dale and Mr. Stephen Gorning and Mr. Jim D'Agostine, Esq., of D'Agostine, Levine, Parra & Netburne, P.C.

Also attending the meeting were abutters and interested parties from Acton.

Ken Kozik opened the meeting for the AvalonBay Communities project. Mr. Dale explained a letter of credit for release which is being requested. Mr. Dale stated all the construction work has been completed. He explained he reached out to Mr. Roland Bartl, Planning Director and other town departments and there are no outstanding issues. Scott stated the Avalon Bay project have been completed, the Town's Engineering Department had no issues. Mr. Bartl had drafted a memo for the release of the bond. Ken motioned to close the discussion of the bond release; Jon moved to close the discussion of the bond release, Rick 2<sup>nd</sup>; all in favor.

Jon moved to grant the request for the release of the AvalonBay bond. Rick 2<sup>nd</sup>, all in favor.

Ken opened the meeting for the discussion a request for an 18 month extension of comprehensive Permits for 93 Central Street and 113 Central Street. Mr. D'Agostine explained his request for extension. Mr. D'Agostine explained the issues of the market conditions, time and money. Mr. D'Agostine stated it is the in the discretion of the board of the time and extension. Ken asked Scott the status of the 2 comprehensive permits. Scott stated 93 Central Street Comprehensive Permit was denied by the Board, the applicant challenged the decision, and it was brought to Court and then approved by the court. 113 Central Street Comprehensive Permit was approved by the Board. The neighborhood sued the applicant and it was resolved within a private matter.

Ken asked the residents, present at the hearing, to begin speaking to their concerns regarding this project. The first resident that spoke had concerns with issues with the fire turnck turnaround. The second resident stated she would like to be notified of the public meeting.

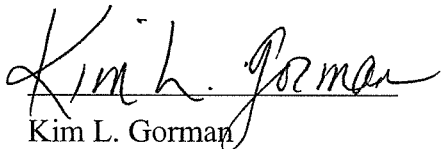
Rick stated the notice to the abutters notifying them of continuations would be a good cause to the neighbors. Ken stated Mr. D'Agostine needs to supply the Board with a formal letter and explanation for the extension and to send out notices to the abutters of the next public meeting to discuss the extension.

Jon moved to continue the meeting to discuss the request extension and for applicant to send out notices of the continuation to abutter for the Comprehensive Permits of 93 Central Street and 113 Central Street to Monday, August 5 at the Acton Town Hall, Room 126 at 8:00 PM, Ken 2<sup>nd</sup>; all in favor.

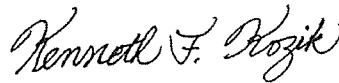
Voting for membership positions for upcoming fiscal year  
Chairman – Mr. Kenneth Kozik  
Clerk – Mr. Richard Fallon

Meeting was adjourned at 8:16pm

Respectfully submitted,



Kim L. Gorman  
Standing in for the Board of Appeals  
Secretary (Cheryl Frazier)



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Ken Kozik  
Chairman of the Board of Appeals